BOSNIA and HERZEGOVINA

Expected Council Action
The Council received the thirty-first report on the implementation of the Peace Agreement in Bosnia and Herzegovina in early May. On Wednesday 16 May it will be briefed by the High Representative for the Implementation of the Peace Agreement in Bosnia and Herzegovina, Christian Schwarz-Schilling and discuss the report. These regular reports are in accordance with annex 10 of the Dayton Peace Agreement and the conclusions of the London Peace Implementation Conference of 1995.

This will be the last report from Schwarz-Schilling who announced in January that he will not stay on beyond the end of his term which ends on 30 June 2007.

Key Recent Developments
By the end of 2006 it had become clear that Bosnia and Herzegovina was not meeting the goals set by the EU and the international community. These included constitutional reform, the adoption of a unified police force and full cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY). In the second half of 2006 Bosnian authorities failed to pass a single law required by the EU and constitutional talks collapsed. In the last few months, progress on meeting the preconditions for the EU Stabilisation and Association Agreement have been crippled by the lack of agreement on police restructuring.

Schwarz-Schilling, who came into office in January 2006, expected to be the last High Representative. However by late 2006 with the uncertain regional environment, the slow-down in reform and delay in filling many government positions following the October elections, the picture had changed and closing the Office of the High Representative (OHR) by 30 June 2007 began to look premature.

On 27 February the Peace Implementation Council (PIC) Steering Committee—set up to steer the Dayton peace process and made up of Canada, France, Germany, Italy, Japan, Russia, the United Kingdom, the United States, the Presidency of the European Union, the European Commission, and the Organisation of the Islamic Conference,
which is represented by Turkey—decided to extend the OHR till June 2008. The situation will be reviewed at PIC meetings in October 2007 and again in February 2008.

One long-standing issue between Bosnia and Herzegovina and the UN, the question of certification or decertification of police officers, was recently dealt with by the Council by way of a letter to the Bosnia and Herzegovina government, from the United Kingdom as the president of the Council for April. The UN International Police Task Force (IPTF) was involved in certifying and decertifying Bosnian police officers for over eight years in the period following the end of hostilities. If decertified, a police officer would be barred from law enforcement employment. A total of 16,762 officers were certified and 598 were decertified.

The 30 April 2007 letter, in reply to a 30 January 2006 letter from the Bosnia and Herzegovina government, stated that members of the Council recognised “improvements in the legal standards and practices for the recruitment and selection of police officers within Bosnia and Herzegovina” and considered that where Bosnia and Herzegovina law allows, “persons denied certification or decertified by the IPTF may be permitted to apply for positions” in law enforcement agencies. The two conditions are that recruitment meets the laws and procedures of the law in Bosnia and Herzegovina and that at the time of re-application the applicants disclose they have been decertified. It is worth noting that in order to comply with these conditions, local legislation will need to be amended or adopted.

Schwarz-Schilling, who has strongly lobbied for this issue to be resolved, has described it, in statements issued in Sarajevo, as the best possible solution, although he had been pushing for a more comprehensive review process.

A noteworthy development was the February International Court of Justice (ICJ) ruling this year. The ICJ made its decision on a case filed by Bosnia and Herzegovina to determine if Serbia was responsible for genocide during the 1992-1995 war in Bosnia under the terms of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. The ICJ on 26 February ruled that there was not enough evidence to prove Serbia bore state responsibility for genocide during the Bosnian war. However, it also ruled that genocide occurred at Srebrenica where thousands of Muslims were killed by the Bosnian Serb army. Following the ICJ ruling there were protests from Bosnian Muslims. Bosnian politicians suggested that since it was the army and police of wartime Republika Srpska that were involved in the killings around Srebrenica, the Srebrenica municipality should be removed from Republika Srpska and even that the entity itself should be abolished.

Options
The Council’s most likely option is to issue a press statement after the debate. Any other pronouncement is unlikely as there is nothing the Council needs to authorise or endorse at this stage.
Key Issues
An issue of concern to the Council is the lack of progress towards reform. Members will be looking for signs that the stalled reform process, particularly police reform, is likely to move forward in the second half of the year.

A possible issue is follow-up to the Council’s letter on decertification of police officers by the Bosnian authorities. Although the Council’s view is to allow for decertified police officers to apply for police jobs, the current laws on police officials in Bosnia and Herzegovina need to be amended, and in some places new laws must be adopted, to comply with the conditions in the Council’s letter.

A future issue is the risk to peace and stability in Bosnia and Herzegovina if the Council chooses independence for Kosovo by endorsing the final status proposal of Martti Ahtisaari, the Secretary-General’s Special Envoy for the Future Status Process for Kosovo. While it is argued that Kosovo should not set a precedent, those with secessionist ambitions could take advantage of independence in Kosovo to agitate for a similar solution in Bosnia and Herzegovina. In recent months Serbia has drawn comparisons between Kosovo and Republika Srpska. The potential for regional instability as a result of the uncertainty over Kosovo was one of the main reasons the mandate of the OHR was extended beyond June 2007.

Council Dynamics
Given the intense focus on Kosovo this month most members of the Council are paying relatively less attention to Bosnia and Herzegovina as there are no controversial issues in the High Representative’s report requiring Council action.

Russia might take up the extension of the OHR during the debate. It was the only member of the PIC that disagreed with extending the OHR beyond June 2007 and indicated that it would make “conclusions consistent with resolution 1722” which re-authorised the EU force in Bosnia and Herzegovina last November. There is also a chance that Russia could raise comparisons to the Kosovo situation during the debate.

Most other members are likely to focus on issues that have been considered in the past such as the reform process and the need to deliver war crimes suspects Radovan Karadzic and Ratko Mladic to the ICTY. One new issue that may be discussed is the February ICJ decision on Bosnia and Herzegovina and genocide.

UN Documents

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<th>Selected Security Council Resolutions</th>
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<tr>
<td>• S/RES/1722 (21 November 2006) was the most recent resolution.</td>
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<td>• S/RES/1575 (22 November 2004) established EUFOR.</td>
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<td>• S/RES/1088 (12 December 1996) contained the authorisation of the establishment of a multinational stabilisation force (SFOR).</td>
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<td>• S/RES/1035 (21 December 1995) established the IPTF.</td>
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S/RES/1031 (15 December 1995) was on the implementation of the Peace Agreement for Bosnia and Herzegovina and transfer of authority from the UN Protection Force (UNPROFOR) to the multinational implementation force (IFOR).

S/RES/743 (21 February 1992) established UNPROFOR.

S/RES/713 (25 September 1991) marked the start of the UN’s involvement in the former Yugoslavia.

Selected Letters

S/2007/118 (28 February 2007) was the letter from the Secretary-General transmitting the latest report on the activities of the EU Police Mission in Bosnia and Herzegovina.

S/2006/1035 (27 December 2006) was the letter from the Secretary-General conveying the report on EUFOR’s activities from 1 September to 30 November.

S/2006/64 (30 January 2006) was the letter from Bosnia and Herzegovina to the president of the Security Council asking it to consider the possibility of offering appropriate instruments to the decertified police officers for the right to appeal.

Other

Letter from the president of the Security Council to the Permanent Representative of Bosnia and Herzegovina.

S/PV.5307 (21 November 2006) was the Council’s discussion of the most recent resolution.

S/PRST/2004/22 (22 June 2004) endorsed the certification process carried out by the IPTF.

S/1995/999 (and annexes) (21 November 1995) was the General Framework Agreement for Peace in Bosnia and Herzegovina and Annexes, signed in Dayton.

For a more detailed list of UN documents and historical background please see our November 2005 and November 2006 Forecast reports.

Useful Additional Sources

Communiqué by the PIC Steering Board, Maintaining Progress, Office of the High Representative, 27 February 2007


UNSC Offer Best Possible Solution for Decertified Police, Office of the High Representative, 4 May 2007

Schwarz-Schilling Welcomes UN Security Council Solution for Decertified Police, Office of the High Representative, 2 May 2007